

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PHYLLIS HARMON,

Plaintiffs,

v.

OFFICER BRIAN MARONE and
OFFICER REIDY,

Defendants.

DECISION & ORDER

14-CV-6562L

Plaintiff Phyllis Harmon commenced this action pursuant to 42 U.S.C. § 1983 on September 25, 2014, representing herself. (Docket # 1). This Court held a conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on May 28, 2015, and issued a scheduling order. (Docket ## 9, 10). Among the deadlines set in the Order was a November 30, 2015, deadline for the completion of discovery. (Docket # 9). That deadline, along with the deadline for filing summary judgment motions, was extended in an amended scheduling order dated November 10, 2015. (Docket # 13). The discovery deadline was extended until February 29, 2016, and the summary judgment deadline was extended until April 29, 2016. (*Id.*).

Defendants filed a motion for summary judgment on April 29, 2016, which was granted in part and denied in part on March 29, 2017. (Docket ## 17, 27). Two months later, and over one year after the fact discovery deadline expired, plaintiff filed a motion for discovery, which she supplemented with additional requests on November 29, 2017. (Docket ## 30, 43).

Counsel has now appeared on plaintiff's behalf (Docket ## 52, 58) and has filed a formal motion to reopen discovery and to compel defendants to respond to plaintiff's discovery

demands. (Docket # 59). Consistent with the Court's direction at the last conference (Docket ## 55, 56), that motion specifically incorporates those particular discovery requests made in plaintiff's earlier *pro se* motions that plaintiff wishes to pursue through counsel. A motion scheduling order has been issued on the motion to reopen discovery and to compel, and oral argument has been scheduled for July 31, 2018. (Docket # 60). The merits of the motion will be addressed at that time.

Because the pending motion to reopen incorporates those requests from plaintiff's earlier requests that she wishes to pursue, the earlier *pro se* motions are denied without prejudice to her right to pursue the requests identified and included in her pending motion to reopen.

CONCLUSION

For the reasons stated above, plaintiff's *pro se* motions for discovery (Docket ## 30, 43) are **DENIED without prejudice.**

IT IS SO ORDERED.

s/Marian W. Payson
MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
July 5, 2018